

1 LYSSA S. ANDERSON
2 Nevada Bar No. 5781
3 RYAN W. DANIELS
4 Nevada Bar No. 13094
5 KAEMPFER CROWELL
6 1980 Festival Plaza Drive, Suite 650
Las Vegas, Nevada 89135
Telephone: (702) 792-7000
Fax: (702) 796-7181
landerson@kcnvlaw.com
rdaniels@kcnvlaw.com

*7 Attorneys for Defendant
Las Vegas Metropolitan Police Department*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

11 DAICHENA THOMAS, individually and as the
12 personal representative of Estate of Palmer Pearce
13 Joseph Wright; DANA THOMAS, individually;
14 DEVONTAY THOMAS, individually; DELON
ARMSTRONG, individually; JOHNTAE
WILLIAMS, individually; GERMAINE
CARMENA, individually,

Plaintiffs,

16 | VS.

17 CLARK COUNTY; LAS VEGAS
18 METROPOLITAN POLICE DEPARTMENT;
19 CLARK COUNTY DETENTION CENTER;
20 WELLPATH, LLC; CORRECT CARE
21 SOLUTIONS, LLC; J. MARCOS, RN; EARL D.
22 SALVIEJO, NP; TANJA WASIELEWSKI, RN; H.
TADDEO, RN; ACE T., RN; LARS WILLIAMS,
RN; H. HANNASH, RN; DAVID OLIPHANT,
PA; LPN ALEXIA; BECKY S. CHRISTENSEN,
RN; RAY MARTIN MONTENEGRO, NP; KATE
PURCELL, RN; DOES I through C, inclusive, and
ROE CORPORATIONS I through II, inclusive.

Defendants.

CASE NO.: 2:22-cv-0899-GMN-NJK

**STIPULATION TO EXTEND
DISCOVERY DEADLINES
(First Request)
(ECF No. 16)**

1 IT IS HEREBY STIPULATED AND AGREED between the parties, Las Vegas
 2 Metropolitan Police Department (“LVMPD”); Wellpath, LLC; Correct Care Solutions, LLC; J.
 3 Marcos, RN; Earl D. Salviejo, NP; Tanja Wasielewski, RN; H. Taddeo, RN; Ace T. RN; Lars
 4 Williams, RN; H. Hannash, RN; David Oliphant, PA, LPN Alexia; Becky S. Christensen, RN;
 5 Ray Martin Montenegro, NP, and Kate Purcell, RN’s (“Wellpath Defendants”); and Plaintiffs,
 6 Daichena Thomas, Dana Thomas, Devontary Thomas, Delon Armstrong, Johntae Williams, and
 7 Germanine Carmena, (“Plaintiffs”), by and through their respective counsel that the discovery
 8 cut-off date of June 12, 2023, be continued for a period of 120 days up to and including **October**
 9 **10, 2023**, for the purpose of allowing the parties to complete written discovery, obtain records
 10 from third-parties, disclose expert and rebuttal expert reports, and take depositions.

11 **I. DISCOVERY COMPLETED TO DATE**

12 All parties have provided their initial Rule 26 Disclosures and produced supplemental
 13 disclosures. LVMPD served written discovery (interrogatories, requests for production of
 14 documents and requests for admissions) on Plaintiffs which responses and supplemental
 15 responses were made. LVMPD served numerous third-party subpoenas. The parties have
 16 retained expert witnesses. Recently, Wellpath Defendants served written discovery on each
 17 individual Plaintiff. The parties held a telephonic meet and confer on March 14, 2023 to discuss
 18 an extension for the individual Plaintiffs to provide responses to the written discovery, extending
 19 discovery deadlines and setting the depositions of each individual Plaintiff. The parties agreed
 20 that Plaintiffs will respond to the written discovery on or before May 15, 2023 and depositions of
 21 the individual Plaintiffs will take place after the discovery responses have been made.

22 **II. DISCOVERY YET TO BE COMPLETED**

23 On January 6, 2023, LVMPD served numerous third-party subpoenas to obtain medical
 24 records of Palmer Pearce Wright (“Wright”). Four providers still have not responded despite

1 several demands. LVMPD will be filing motions to compel if responses are not received by
 2 March 18, 2023.

3 Each of the individual Plaintiffs will respond to Wellpath's written discovery requests on
 4 or before May 15, 2023. The depositions of the parties and third-party witnesses will be taken.
 5 The parties will disclose expert reports and any necessary rebuttal expert reports.

6 **III. REASONS WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

7 The parties have been diligent in proceeding with discovery in this matter. The claims in
 8 this matter involve the death of a former Clark County Detention Center ("CCDC") detainee,
 9 Wright. Many of the issues pertain to the medical care of Wright prior to his arrest, during his
 10 detention at CCDC, and prior to his death. The information surrounding these issues is
 11 extensive. Moreover, there are six Plaintiffs and numerous Defendants.

12 There was a delay in obtaining a signed medical authorization from Plaintiffs that
 13 resulted in LVMPD filing a Motion to Compel, [ECF No. 18]. Plaintiffs and LVMPD were able
 14 to work through their discovery dispute and LVMPD served numerous third-party subpoenas
 15 after obtaining signed medical authorizations. Some responses have been received, but there are
 16 still four providers that have not responded. LVMPD has sent several demand letters and
 17 anticipates it may need to file motions to compel in order to obtain Wright's medical records.

18 Finally, Wellpath recently served written discovery on each of the six individual
 19 Plaintiffs. Plaintiffs' Counsel has requested—and Wellpath defendants have agreed to—a 60-
 20 day extension to respond to the discovery. The parties are currently coordinating the depositions
 21 of each of the six individual Plaintiffs as well. It will be necessary, at a minimum, for the parties
 22 to have made and received responses to written discovery and Subpoenas prior to any experts
 23 making their initial reports. For all these reasons, the parties need additional time to complete
 24 discovery.

1 **IV. PROPOSED EXTENDED DEADLINES**

2 The parties respectfully request this Court enter an order as follows:

3 **(A) Discovery Deadline.**

4 The current discovery cut-off date of June 12, 2023, should be extended for a period of
5 120 days, up to and including **October 10, 2023**.

6 **(B) Experts and Rebuttal Experts.**

7 The parties shall disclose expert reports on or before August 11, 2023, which is 60 days
8 prior to the close of discovery.

9 Any rebuttal disclosures will be made by the parties on or before September 11, 2023,
10 which is 30 days prior to the close of discovery.

11 **(C) Dispositive Motions.**

12 All pretrial motions, including but not limited to, discovery motions, motions to dismiss,
13 motions for summary judgment, and all other dispositive motions shall be filed and served no
14 later than 30 days after the close of discovery, or by **November 9, 2023**.

15 **(D) Motions in Limine/*Daubert* Motions.**

16 Under LR 16-3(b), any motions in limine, including *Daubert* motions, shall be filed and
17 served 30 days prior to the commencement of Trial. Oppositions shall be filed and served and
18 the motion submitted for decision 14 days thereafter. Reply briefs will be allowed only with
19 leave of the Court.

20 **(E) Pretrial Order.**

21 Pursuant to LR 26(1)(e)(5), the Joint Pretrial Order shall be filed with this Court no later
22 than 30 days after the date set for filing dispositive motions, or by **December 11, 2023**, unless
23 dispositive motions are filed, in which case the date for filing the Joint Pretrial Order shall be
24 suspended until 30 days after the decision on the dispositive motions or further order of this

1 Court. The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections shall be included
2 in the final pretrial order.

3 **(F) Extensions or Modification of the Discovery Plan and Scheduling Order.**

4 In accordance with LR 26-3, applications to extend any date set by the discovery plan,
5 scheduling order, or other order must, in addition to satisfying the requirements of LR 6-1, be
6 supported by a showing of good cause for the extension. All motions or stipulations to extend a
7 deadline set forth in a discovery plan shall be received by the Court not later than 21 days before
8 the expiration of the subject deadline. A request made after the expiration of the subject deadline
9 shall not be granted unless the movant demonstrates that the failure to set was the result of
10 excusable neglect. Any motion or stipulation to extend a deadline or to reopen discovery shall
11 include:

12 (a) A statement specifying the discovery completed;
13 (b) A specific description of the discovery that remains to be completed;
14 (c) The reasons why the deadline was not satisfied or the remaining discovery was
15 not completed within the time limits set by the discovery plan; and
16 (d) A proposed schedule for completing all discovery.

17 This request for an extension is made in good faith and joined by all the parties in this
18 case. The Request is timely pursuant to LR 26-3. Trial is not yet set in this matter and
19 dispositive motions have not yet been filed. Accordingly, this extension will not delay this case.

20 ///

21 ///

22 ///

23 ///

24 ///

1 Moreover, since this request is a joint request, neither party will be prejudiced. The
2 extension will allow the parties the necessary time to finish discovery.

3 DATED this 21st day of March, 2023.

4 STOVALL & ASSOCIATES

KAEMPFER CROWELL

5 /s/ Ross H. Moynihan

6 Leslie Mark Stovall
Nevada Bar No. 2566
7 Ross H. Moynihan
Nevada Bar No. 11848
2301 Palomino Lane
8 Las Vegas, NV 89107

/s/ Lyssa S. Anderson

Lyssa S. Anderson
Nevada Bar No. 5781
Ryan W. Daniels
Nevada Bar No. 13094
1980 Festival Plaza Drive, Suite 650
Las Vegas, Nevada 89135

9 *Attorneys for Plaintiffs*

10 *Attorneys for Defendant*
Las Vegas Metropolitan Police Department

11 LEWIS BRISBOIS BISGAARD & SMITH
12 LLP

13 /s/ Ethan M. Featherstone

14 S. Brent Vogel
Nevada Bar No. 6858
15 Ethan M. Featherstone
Nevada Bar No. 11566
6385 S. Rainbow Blvd., Ste. 600
16 Las Vegas, NV 89118

17 *Attorneys for Defendants*

18 *WellPath, LLC; Correct Care Solutions, LLC;*
J. Marcos, RN; Earl D. Salviejo, NP; Tanya
Wasielewski, RN; H. Taddeo, RN; Ace T. RN;
Lars Williams, RN; H. Hannash, RN; David
Oliphant, PA; LPN Alexia; Becky S.
Christensen, RN; Ray Martin Montenegro,
NP; and Kate Purcell, RN

21 **ORDER**

22 IT IS SO ORDERED.

23 Dated: March 22, 2023

24 
United States Magistrate Judge